

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 15-16 have been canceled without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-7 are pending. Claims 1-7 were allowed previously. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) at least certain of the rejected claims have been canceled thereby at least reducing the issues for appeal;

(b) it is believed that the cancellation of claims 15-16 puts this application into condition for allowance because claims 1-7 were previously allowed in the original patent;

(c) the cancellation of claims 15-16 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or

(d) claims 1-7 were allowed previously in the original patent. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

CANCELLATION OF CLAIMS 15-16:

Claims 15-16 have been canceled. Thus, the remaining claims 1-7 are the original claims which were allowed in the original patent. It is respectfully submitted that claims 1-7 should be allowed, and the patent be allowed to issue.

SUPPLEMENTAL REISSUE DECLARATION:

Claims 1-7, 15 and 16 were rejected as being based upon a defective reissue declaration under 35 USC 251. Claims 15-16 have been canceled.

Thus, since claims 1-7 are the original claims which were allowed in the original patent, it is respectfully submitted that claims 1-7 are allowable, and should be allowed to issue into a patent based on the original declaration. That is, no further declaration should be required.

Hence, it is respectfully submitted that claims 1-7 are allowable, and that a patent should be issued having claims 1-7.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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